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February 3, 2003

Federal Communications Commission
Commission Secretary, Ms. Marlene H. Dortch
445 12th Street SW
CY-B402
Washington, D.C. 20554

Reference: Proceeding FCC 03-10, SBC Nevada 271 Application
Subject: Comments

Dear Commissioners and Secretary Dortch:

I encourage the Commission to REJECT this application for cause.

In 1993, Congress reclassified our legacy two-way mobile radio and paging operations as Commercial Mobile Radio Services, and imposed carrier status and obligations on us. Under the Telecommunications Act of 1996 and various orders concerning CMRS and local competition, the FCC ordered the ILEC to cease charging for interconnect facilities as of November 1, 1996. SBC, then known as Nevada Bell responded by increasing the interconnect charges from approximately $350 per month to $5,000 per month as of January 1, 1997. My companies refused to pay these outrageous charges. SBC then threatened to disconnect all services without further notice. We were forced to discontinue all operations at the end of February, 1997, due to the liability we would incur if services to our critical customers were interrupted without notice. We provided services and equipment to doctors, firefighters, police, federal agents, hospitals, and others requiring the absolute best services available. There was no way we could allow the future of those operations to be determined by the whims of SBC's management.

At the solicitation of the Commission, in October, 1997, we filed a complaint with the Telecommunications Task Force, which promised swift and sure enforcement of competitive orders. Concurrently, another company filed court action, commonly known as the TSR proceedings, and so began the long and tortuous attempt by SBC to eliminate all competition in CMRS offerings. SBC never sought or received a stay of any Commission or subsequent court order, nor was any bond posted for damages should SBC continue to lose its court actions. With each subsequent loss, we made

demand of SBC to provide the necessary interconnection, refund amounts collected without benefit of contract or tariff, and cease billing for unauthorized charges imposed upon us. SBC refused each and every demand.

In May, 2001, we met with SBC representatives and attorneys and the Public Utilities Commission of Nevada. During this meeting, SBC stated that if they were to prevail in the TSR action, we would be responsible for the over $150,000 billed since 1996. Should they lose the issue, we would be provided with our requested facilities, receive our refunds, and gain restoration of our rights as granted by Congress. In June, 2001, SBC lost its case and did not appeal. We have yet to receive our requested services and facilities, our refunds, or restoration of our rights of equal treatment by law.

Instead, SBC set out to complete its agenda of expunging its poor record of compliance with the requirements necessary to receive permission to provide long distance service. In our case, SBC changed our service classification from Flat Rate Dial Paging to Business PBX Flat Rate Service without our knowledge or permission. SBC keeps billing for these services under this new classification, but then issues immediate credits to offset the charges. We have demanded an accounting, fearing that these amounts, along with the $150,000 credited for the unauthorized charges previously appearing, have been billed and reversed as uncollectible thereby impacting the rates of the captive consumer. SBC has refused to correct the bill or provide an accounting. SBC has filed a blizzard of paper in support of their claims, and as with any blizzard, the true landscape is obscured. SBC, by reclassifying our services, avoids the reporting requirements that would point to non-compliance.

Of more concern is the fact that SBC has attempted to gain the silence of other CMRS operations by offering to return some of the payments made to SBC without benefit of tariff or contract and in violation of the various orders if the CMRS operator would sign a non-disclosure agreement, hold SBC harmless, and sign a concurrent interconnect agreement that gives virtually all control over interconnection to SBC. This is the most outrageous conduct I have ever seen in my thirty-plus years in this industry.

When it became apparent that SBC had no intention of complying with the orders of the Commission, the orders of the various courts, or the laws of the 1996 Act, we put the Enforcement Bureau on notice of the violations and non-compliance in April of 2002. We restated that notice in January of this

year, and supplied copies of all of the documents supporting our allegations. Most all of these documents are on SBC letterhead. To date, we have had no response from any person from the Commission despite repeated emails, telephone calls, faxes, and letters from my companies, shareholders, investors, agents, representatives, customers, or interested parties. It is noted with no small amount of concern that the first person responsible for the Competitive Task Force has now left the Commission and heads up SBC's federal regulatory office. We have, however, heard from Mr. Philip J. Sautry, Jr., an attorney with the Department of Justice, stating that ILECs "are immunized from the operations of the antitrust laws". It seems that regulatory enforcement by press release has become the norm, huge fines a cost of doing business, and, once again, nothing is actually accomplished that would promote the goals for a competitive environment so clearly stated by Congress.

A review of the documents provided to the Enforcement Bureau will show that the SBC engineer in charge of this train wreck concerning our interconnect issues is none other than Mr. Daniel O. Jacobsen, Executive Director – Regulatory, Nevada Bell Telephone Company. Mr. Jacobsen has filed a Declaration and Verification in this application. Mr. Jacobsen states in this document that "3. The information contained in the Application has been provided by persons with knowledge thereof. All information supplied in the Application is true and accurate to the best of my knowledge, information, and belief formed after reasonable inquiry" and "5. I declare under penalty of perjury that the foregoing is true and correct". Mr. Jacobsen knows that Declaration and Verification to be untrue, and the documents that prove that are now with the Commission. We encourage review of those documents and a determination of Mr. Jacobsen's veracity.

Mr. Jacobsen has been assisted in this fraud upon the Commission by Roger A. Moffit, Nevada Bell attorney; Marsha Lindsey, Nevada Bell corporate officer; Robert L. Page, Area Manager – FCC Merger Compliance; and Martin Hotchkiss, SBC attorney, among others.

The Commission has clearly stated its desire that competitive companies become facilities-based. We are now and have always been facilities-based. We seek only interconnection to the network on the same terms that the RBOC or ILEC provides to itself, its subsidiaries, or other competitors. We have not sought compensation, though we are entitled to it by law. We have, instead, offered bill-and-keep, a method proposed by the Commission as the future vision. SBC has refused to install facilities, either outright refusing or

offering inadequate, insufficient quantities, or inferior connections even when they themselves enjoy fiber quality in an adjacent building. Repair orders are ignored, lost, or cleared without resolving the problems. Clearly, compliance with the law by SBC in Nevada is a sick joke.

Lastly, we urge the Commission to look to the source of the favorable comments in this Application. We will never allow our company to have an employee whose sole purpose is to spread the largess collected from the ratepayers among various agencies purporting to represent the people of the area. And we will never be in a position to have a high company official taken off in handcuffs for stealing from the company, its investors, or its customers. We will provide state-of-the-art services and equipment at reasonable prices, treat our employees, customers, and investors with the honesty and respect that they deserve, and strive to be a good corporate citizen, just as we have since starting in business. We will never demand a *quid pro quo* for the charitable activities we prefer to perform anonymously.

This Application must be REJECTED for cause. The statements contained therein, and supposedly declared to be truthful and verified by Mr. Jacobsen are anything but truthful and accurate. SBC has taken payments without benefit of contract or tariff, refused to refund the amounts with requisite interest in accordance with its agreements, and converted those amounts to its own use, permanently. In this state that is conversion, and is a criminal act. Absent any enforcement activity to date by any responsible organization or person, we will file the appropriate complaints in order to preserve our rights.

Until such time as all the issues we have raised since 1997 are examined and resolved, we believe that this Application cannot be approved. There is simply no reasonable explanation that can justify granting this Application in view of the failure of SBC to comply with the simplest of requirements placed upon them by law.

Sincerely,

/s/

M.A. Edwards
Individually, and as President, Edwards Industries
Advanced Radio Communications (ARC) Systems division

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